

931037

Schiller PK / Refinery Products

National Boulevard Bank of Chicago

**Boulevard  
Bank**

March 7, 1983

**RECEIVED**

MAR 08 1983

Environmental Protection Agency  
1701 South First Street  
Maywood, Illinois 60153

**ILL. E.P.A. - D.L.P.C.  
STATE OF ILLINOIS**

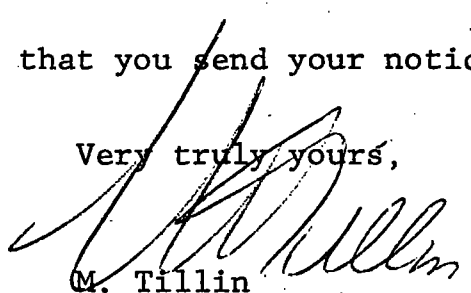
Re: Our Trust No. 4680 (Closed)  
Your Ref. No. 03128502  
ILD000665786

Gentlemen:

We return herewith your letter dated March 3 addressed to the trust in caption for the reason that under date of January 5, 1983 our Bank as trustee conveyed all of the real estate held in this trust to one **NON-RESPONSIVE** and since that date has had no interest in the property which is the subject matter of this letter.

We would suggest that you send your notices to the present titleholder.

Very truly yours,

  
M. Tillin

MT:mr  
Encl.

EXHIBIT #37



# Environmental Protection Agency

1701 S. First Street Maywood, IL. 60153

312/345-9780

CERTIFIED MAIL

Pre-Enforcement Conference Letter

Refer to: 03128502 - Cook County - Schiller Park/Refinery Products  
ILD000665786

March 3, 1983

QueVoe Chemical Industries	National Boulevard Bank of Chicago
Mr. John E. Suerth, President	T/D 4680
4256 Wesley Terrace	400 No. Michigan Avenue
Schiller Park, Illinois 60176	Chicago, Illinois 60611

Gentlemen:

The purpose of this Notice is to inform you of apparent violations and non-compliance with the Illinois Environmental Protection Act and the Rules and Regulations adopted thereunder. These apparent violations are set forth in Attachment A to this letter.

As a result of these apparent violations, it is our intent to refer this matter to the Agency's legal staff for the preparation of a formal enforcement case. The Agency's legal staff will, in turn, refer this matter to the Attorney General's Office for the filing of a formal complaint.

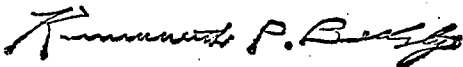
Prior to taking such action, however, you are requested to attend a Pre-Enforcement Conference to be held at 1701 So. First Avenue, Suite 600, Maywood, Illinois 60153. The purpose of this Conference will be:

- (1) To discuss the validity of the apparent violations noted by Agency staff, and
- (2) To arrive at a program to eliminate existing and/or future violations.

You should, therefore, bring such personnel and records to the Conference as will enable a complete discussion of the above items. We have scheduled the Conference for March 17, 1983, at 10:00 A.M. If this arrangement is inconvenient, please arrange for an alternative date and time.

In addition, please be advised that this letter constitutes the notice required by Section 31(d) of the Illinois Environmental Protection Act prior to the filing of a formal complaint. The cited Section of the Illinois Environmental Protection Act requires the Agency to inform you of the charges which are to be alleged and offer you the opportunity to meet with appropriate officials within thirty days of this notice date in an effort to resolve such conflicts which could lead to the filing of formal action.

Respectfully,



Kenneth P. Bechely, Northern Region Manager  
Field Operations Section  
Division of Land Pollution Control

KPB:LAC:prb

Attachment A

cc: Division File  
Northern Region  
EDG  
Don Gimbel  
Mike Nechvatal (Compliance Assurance)

## ATTACHMENT A

### APPARENT VIOLATIONS

The following apparent violations were observed during an inspection on December 29, 1982.

- ✓ 1. Rule 725.113(a) states that the owner or operator of a hazardous waste facility must obtain a chemical and physical analysis of a representative sample of the waste. Your facility did not have documented analyses of the waste received or treated
- ✓ 2. Rule 725.113(b) states that the owner or operator must develop and follow a written waste analysis plan. Your facility did not have a waste analysis plan
- ✓ 3. Rule 725.115 requires the owner or operator to develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment that are important to preventing, detecting and responding to environmental or human health hazards. Your facility did not have an inspection schedule or documentation of inspections.
4. Rule 725.116 states that facility personnel must successfully complete a program of classroom instruction or on-the-job training. Your facility was in apparent violation in that there was no training program available.
- a 5. Rule 725.11~~6~~<sup>7</sup> requires that ignitable wastes receive special handling to prevent accidental ignition. During the inspection four drums labeled xylene was observed lying on their sides near the driveway west of the processing building.
- ✓ 6. Rule 725.132 requires facilities to be equipped with an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel. No such system was employed at your facility.
- ✓ 7. Rule 725.135 requires that the operator to maintain aisle space to allow the movement of personnel, fire protection equipment and spill containment. Such space was not maintained in the yard area at the time of the inspection.
8. Rule 725.152 requires a list of emergency equipment and an excavation plan to be included in the contingency plan. Both of these were missing from the contingency plan at the time of the inspection.

SPEP

9. Rule 725.171 requires the operator to note any significant discrepancies in the manifests on each copy of the manifest. Several of the manifests inspected at the site contained conflicting DOT and EPA descriptions. In one instance, the waste was listed as being in drums but being transported by tank trucks. On another manifest, waste described as waste oil also listed a USEPA hazardous waste number. No attempt was made by the site management to correct or resolve the discrepancies.
10. Rule 725.173 requires that the owner or operator maintain an operating record. There was no such record being kept at the facility.
11. Rule 725.212 states that the owner or operator must have a written closure plan. He must keep a copy of the closure plan and all revisions to the plan at the facility until closure is completed. At the time of the inspection, there was no closure plan at the facility. Mr. Van Hoesen, the site operator, said that he had no knowledge of a facility closure plan.
12. Rule 725.242 requires a written estimate of closure costs. This was not available at the time of the inspection.
13. Rule 725.245 requires that hazardous waste facilities have financial assurance for post-closure as outlined in 40 CFR ss 265.145 through 265.151. Mr. Van Hoesen could not show any evidence of the required financial assurance.
14. Rule 725.273 requires that containers holding hazardous waste must not be stored in a manner which may cause them to leak. Four containers of hazardous ignitable waste were observed stored on their sides near the driveway.
15. Rule 725.273 requires that ignitable waste be stored at least 15 meters from the facility's property line. The four drums of xylene were less than 50 feet from the site's property line.

On January 26, 1983, Mr. Jim Wagner, of Wheeler Uniform Company, told Lynn Crivello in a telephone conversation that hazardous waste from his company had been transported to Refinery Products in their truck without an accompanying manifest. This is an apparent violation of Chapter 9, Section 501. Mr. Van Hoesen of Refinery Products later confirmed this in a telephone conversation with Ms. Crivello.

*wh. 221-1000*  
*RB*

During an inspection of the facility on September 28, 1982, Ms. Crivello observed a dumpster containing tank bottoms. Mr. Van Hoesen told Ms. Crivello that tank bottoms were put in the dumpster and hauled away with general refuse. This is an apparent violation of Chapter 9, Rule 501 which states, any person who delivers special waste to a permitted hauler shall complete a manifest.

On May 19, 1982, June 18, 1982, September 28, 1982 and October 19, 1982, liquid waste was observed ponded on the facility, running off the facility along the east side of the site and ponded west of the site.

On May 19, 1982, June 18, 1982, and December 29, 1982, drummed waste was observed on your site. This is an apparent violation of special condition #9 of your permit.

On May 19, 1982, June 18, 1982, and December 29, 1982, drums were observed outside the containment wall. This is an apparent violation of special condition #10 of your permit.

You are also advised that Rule 700.105(c 4) requires the new owner or operator of a hazardous waste facility to submit a revised Part A permit application no later than 90 days prior to a change of ownership or operational control. The old owner or operator shall comply with the requirements of Part 725, Subpart H (financial requirements), until the new owner or operator has demonstrated to the Director that it is complying with that Subpart.